

On December 6, 2019, Respondent filed a motion for an order to show cause. Resp't's Mot., ECF No. 31. Respondent stated that "the precise basis for [P]etitioner's claim is not entirely clear." *Id.* at 1. Respondent concluded that he "has not identified any evidence to support a claim for compensation for either a Table injury or an off-Table injury." *Id.* at 3.

On December 11, 2019, I held a status conference with the parties via telephone to discuss Respondent's motion. ECF No. 32. Mr. Mack indicated that after speaking with his client, it appeared Petitioner was seeking compensation for a work-related injury that occurred in 1974. *Id.*

Petitioner filed a motion for a decision dismissing his claim on December 23, 2019, indicating that "[a]n investigation of the facts and science supporting [Petitioner's] case has demonstrated to [Petitioner] that [he] will be unable to prove that he is entitled to compensation in the Vaccine Program." Pet'r's Mot. at 1, ECF No. 33.

To receive compensation under the Vaccine Program, a petitioner must prove either (1) that he suffered a "Table Injury" – i.e., an injury falling within the Vaccine Injury Table – corresponding to his vaccination, or (2) that he suffered an injury that was actually caused by a vaccine. *See* §§ 13(a)(1)(A) and 11(c)(1). Moreover, under the Vaccine Act, a petitioner may not receive a Vaccine Program award based solely on his claims alone. Rather, the petition must be supported by either medical records or by the opinion of a competent medical expert. § 13(a)(1). In this case, however, there is insufficient evidence in the record for Petitioner to meet his burden of proof. Petitioner's claim therefore cannot succeed and, in accordance with his motion, must be dismissed. § 11(c)(1)(A).

Thus, this case is DISMISSED for insufficient proof. The Clerk shall enter judgment accordingly.

IT IS SO ORDERED.

s/ Katherine E. Oler

Katherine E. Oler
Special Master